

**Green, LindaE**

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**From:** Kwoka, Margaret <mkwoka@law.du.edu>  
**Sent:** Monday, June 08, 2015 12:18 PM  
**To:** FOIA HQ  
**Subject:** FOIA Request  
**Attachments:** EPA Request 15.6.8.pdf

To Whom It May Concern:

Please see the attached FOIA request, and please let me know if you need anything further from me.

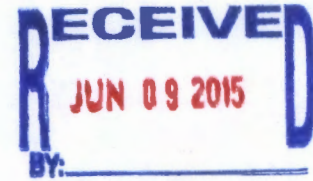
Sincerely,  
Margaret Kwoka

Margaret B. Kwoka  
Assistant Professor  
The University of Denver Sturm College of Law  
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(303) 871-6275  
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National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460



June 8, 2015

**RE: FOIA REQUEST**  
**SENT BY EMAIL: foia\_hq@epa.gov**

Dear FOIA Officer:

Under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, I hereby request the following:

Records reflecting the EPA's categorization of each and every person or entity making a FOIA request in **calendar year 2013** for the purpose of making a determination about the applicability of FOIA fees. Including:

- The FOIA request identification number;
- Indication of whether a fee waiver was requested;
- The fee waiver category assigned to the request, which would include "commercial use" requesters, "educational or noncommercial scientific institution[s]" and "representative[s] of the news media," as well as requesters eligible for reduction or waiver of fees under 5 U.S.C. § 552(a)(4)(A)(iii); and
- Dollar amount charged to requester for responding to the request and the date of the invoice.

Under 5 U.S.C. § 552(a)(3)(A), (B), I request that the above listed records be produced if possible in electronic form. Specifically, I request the records to be produced in a **computer-readable format** such as delimited-text (e.g. as comma- or tab-delimited), Excel, or in another database format.

Under 5 U.S.C. § 552(a)(4)(A)(iii), I request a waiver of all applicable fees, if any, as this request is in the public interest "because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." First, I am a full time, salaried, tenure-track member of the faculty at the University of Denver Sturm College of Law, itself a non-profit educational institution, and I am not engaged in any profit-making enterprise or business. I thus have no commercial interest to which this request could (or does) pertain. Second, a significant component of my job is to conduct research and write scholarly publications. Much of my past research concerns the operation of the Freedom of Information Act. This request will shed light on the nature of who is using FOIA most frequently and how the government's resources are spent in responding to FOIA requests. Very little existing research documents the makeup of FOIA requesters, and thus this information will contribute to the public's understanding about the government's operations in this area. It is further likely to contribute to the public's understanding of government activities because it is intended to form the basis for a future scholarly publication. My record of past publications supports the credibility of future publications. As support, I am attaching a copy of my current curriculum vitae, in which you

can see my record of scholarly publications, particularly in the area of the Freedom of Information Act.

In the event that my request for a waiver of fees is denied, please contact me with an estimate of fees before they are incurred. Please also contact me if you have any questions about my request.

I look forward to hearing from you within 20 days (weekends and legal public holidays excepted) as required under 5 U.S.C.A. § 552(a)(6)(A)(i).

Best wishes,



Margaret B. Kwoka  
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University of Denver Sturm College of Law  
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2255 E. Evans Avenue  
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303-871-2375 (o)  
617-272-5808 (c)

## MARGARET B. KWOKA

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University of Denver Sturm College of Law ♦ 2255 E. Evans Avenue ♦ Denver, CO 80208  
(303) 871-6275 ♦ mkwoka@law.du.edu

### ACADEMIC APPOINTMENTS

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Assistant Professor, University of Denver Sturm College of Law	2013-present
Courses: Civil Procedure, Administrative Law, Federal Courts, National Security Law	
Assistant Professor, The John Marshall Law School	2011-2013
Courses: Civil Procedure, Administrative Law, Federal Courts	
Professorial Lecturer, George Washington University School of Law	Spring 2010
Course: Public Interest Lawyering	

### EDUCATION

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Northeastern University School of Law	J.D., 2007
Brown University	A.B. in Biology, 2002

### JUDICIAL CLERKSHIPS

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The Honorable Michael Murphy, U.S. Court of Appeals for the Tenth Circuit	2010-2011
The Honorable Phillip Rapoza, Chief Justice, Massachusetts Appeals Court	2007-2008

### PUBLICATIONS

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#### LAW REVIEW ARTICLES

*FOIA, Inc.* (in progress)

*Leaking and Legitimacy*, 48 UC DAVIS LAW REVIEW 1387 (2015)

*Deference, Chenery, and FOIA*, 73 MARYLAND LAW REVIEW 1060 (2014)

*Deferring to Secrecy*, 54 BOSTON COLLEGE LAW REVIEW 185 (2013)

*The Freedom of Information Act Trial*, 61 AMERICAN UNIVERSITY LAW REVIEW 217 (2011)

- cited in *Moffat v. United States Department of Justice*, 716 F.3d 244, 254 n.10 (1st Cir. 2013)
- quoted in *National Security Council v. CIA*, 960 F. Supp. 2d 101, 204 n.77 (D.D.C. 2013)

*Disparate Impact Claims Under Title VI Would Not Harm National Security*, with Michael Kirkpatrick, 46 HARVARD JOURNAL ON LEGISLATION 503 (2009)

*Vindicating the Rights of People Living With AIDS Under the Alien Tort Claims Act*, 40 LOYOLA UNIVERSITY CHICAGO LAW JOURNAL 643 (2009)

*Female Genital Surgeries: Rethinking the Role of International Human Rights Law*, HUMAN RIGHTS LAW COMMENTARY (University of Nottingham 2007)

### **SYMPOSIA CONTRIBUTIONS**

*Judicial Rejection of Transsubstantivity: The FOIA Example*, -- NEVADA LAW REVIEW -- (forthcoming 2015)

*Setting Congress Up to Fail*, 7 TOURO LAW JOURNAL OF RACE, GENDER, AND ETHNICITY & BERKELEY JOURNAL OF AFRICAN-AMERICAN LAW & POLICY 97 (2015)

*Intersecting Experiential Education and Social Justice Teaching*, 6 NORTHEASTERN UNIVERSITY LAW JOURNAL 111 (2013)

*Good But Not Great: Improving Access to Public Records Under the D.C. Freedom of Information Act*, with Melissa Davenport, 13 UNIVERSITY OF THE DISTRICT OF COLUMBIA LAW REVIEW 359 (2010)

### **BOOK**

DESIGNING NATIONAL PESTICIDE LEGISLATION, with Jessica Vapnek and Isabella Pagotto (United Nations Food and Agriculture Organization 2007)

### **OTHER PUBLICATIONS**

*Entering the Law Teaching Market* (September 2011)

- Distributed by the Society of American Law Teachers

*Citizen's Guide to the District of Columbia Freedom of Information Act* (D.C. Open Government Coalition 2009)

*Legalized Racial Profiling Returns?*, Z MAGAZINE (June 2008)

*Tostan: A New Use of Human Rights Law*, MASS DISSENT (November 2006)

## AWARDS

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Society of American Law Teachers Junior Faculty Teaching Award (2014)

Northeastern University Outstanding Graduate Student Award for Research in Social Sciences (2007)

## PRESENTATIONS

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### SCHOLARLY PRESENTATIONS

*The Non-Adversariality of National Security Secrecy*, Junior Faculty Works-In-Progress Series, Marquette University Law School (expected September 2015)

*The Non-Adversariality of National Security Secrecy*, Civil Procedure Workshop, Seattle University Law School (expected July 2015)

*FOIA, Inc.*, Law and Society Association Annual Meeting (expected May 2015)

*Leaking and Legitimacy*, Rocky Mountain Junior Scholars Forum, University of Utah S.J. Quinney College of Law (November 2014)

*Leaking and Legitimacy*, University of Oklahoma College of Law (November 2014)

Panelist, *Teaching National Security and Social Justice*, Society of American Law Teachers Biennial Teaching Conference, University of Nevada Las Vegas Boyd School of Law (October 2014)

*Leaking and Legitimacy*, Law and Society Association Annual Meeting (May 2014)

Panelist, *Judicial Rejection of Transsubstantivity: The FOIA Example*, Symposium Honoring Stephen N. Subrin, Northeastern University School of Law (April 2014)

*Leaking and Legitimacy*, Midwestern People of Color Legal Scholarship Annual Meeting, Indiana Tech Law School (April 2014)

*Deference, Chenery, and FOIA*, The Association of American Law Schools Annual Meeting, New Voices in Administrative Law (January 2014)

*Deference, Chenery, and FOIA*, LatCrit 2013 (October 2013)

Panelist, *Experiential Education – Imagining the Future and the Integrated Curriculum*, The Southeastern Association of Law Schools Annual Meeting (July 2013)

Discussant, *Experiential Legal Education – Assessing the Present and Imagining the Future*, The Southeastern Association of Law Schools Annual Meeting (July 2013)

*Deference, Chenery, and FOIA*, Law and Society Association Annual Meeting (June 2013)

*Deferring to Secrecy*, Chicago Junior Faculty Workshop, Loyola University Chicago School of Law (November 2012)

*Intersecting Experiential Education and Social Justice Teaching*, Northeastern University School of Law, Experience the Future Symposium (October 2012)

*Deferring to Secrecy*, The Southeastern Association of Law Schools Annual Meeting, New Scholars Program (July 2012)

*Deferring to Secrecy*, Law and Society Association Annual Meeting (June 2012)

*The Freedom of Information Act Trial*, Central States Law Schools Association Annual Conference, University of Toledo College of Law (October 2011)

*Corporate Hijacking of FOIA: How Our Government Transparency Apparatus Serves Fewer Human People*, LatCrit XVI Annual Conference (October 2011)

*The Freedom of Information Act Trial*, LatCrit XV Annual Conference (October 2010)

*Good But Not Great: Improving Access to Public Records Under the D.C. Freedom of Information Act*, University of the District of Columbia David Clarke School of Law Law Review Symposium (February 2010)

#### **OTHER PRESENTATIONS**

Panelist, *Local School Boards and Public Accountability*, ACLU Student Chapter Panel on School Boards (January 2015)

Panelist, Denver University Law Review Clerkship Roundtable (November 2014)

Paper Commentator, *Non-Economic Damage Caps*, Rocky Mountain Junior Scholars Forum, University of Utah S.J. Quinney School of Law (November 2014)

Mock Interviewee, *Mock AALS Interview*, Faculty Development Workshop, Society of American Law Teachers and LatCrit, University of Nevada Las Vegas Boyd School of Law (October 2014)

Moderator, *Government Service: Insider Strategies to Protecting the Public Interest*, Rocky Mountain Public Interest and Social Justice Retreat, University of Denver Sturm College of Law (September 2014)

Guest Lecture, Civil Rights Clinic, University of Denver Sturm College of Law (April 2014)

Panelist, Opening Doors to Academia: A Workshop for Practicing Lawyers Interested in Law Teaching in the U.S., Northeast People of Color Legal Scholarship Conference, Universidad de Puerto Rico (December 2013)

Paper Commentator, Criminalizing Charity: The Anti-Food Sharing Cases, Northeast People of Color Legal Scholarship Conference, Universidad de Puerto Rico (December 2013)

Panelist, Supreme Court Preview, Colorado Lawyer Chapter of the American Constitution Society, Faegre Baker Daniels, Denver, CO (October 2013)

Paper Commentator, *The Constitutionally Infirm Felon, or the New Slaves*, Midwestern People of Color Legal Scholarship Conference, Marquette Law School (April 2012)

Panelist, Screening of *Hot Coffee: The Movie*, The John Marshall Law School (January 2012)

Panelist, *Gender Dynamics in the Law and Workplace*, Women's Law Caucus, The John Marshall Law School (November 2011)

Panelist, *Mock AALS Interview*, Faculty Development Workshop, Society of American Law Teachers and LatCrit (October 2011)

Panelist, *Different Paths In: How to Break In to the Academy*, as part of Breaking In: How to Become a Law Professor or Law School Administrator, Society of American Law Teachers (September 2011)

*Becoming a Public Interest Lawyer: Carrying on the Tradition of Fun, Interesting and Meaningful Work*, Howard University Law School (February 2010)

Panelist and Moderator, *FOIA in the Digital Age*, Computers, Freedom, and Privacy Conference (June 2009)

## SERVICE

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### LEGAL ACADEMY

- Society of American Law Teachers (SALT)
  - Member, Board of Governors (October 2013-present)
  - Chair, Planning Committee for the Annual Dinner, Association of American Law Schools Annual Meeting (January 2015)
  - Member, Planning Committee for the Annual Dinner, Association of American Law Schools Annual Meeting (January 2014)
  - Member, Planning Committee, *Teaching Social Justice, Expanding Access to Justice: The Role of Legal Education and the Legal Profession*, SALT Teaching Conference, University of Maryland (October 2012)
- Co-Chair, Planning Committee, LatCrit/SALT Junior Faculty Development Workshop (October 2015)
- Organizer, Chicago Junior Faculty Workshop (April 2013)



- Mentor, Spark, Inc., worked with eighth grade student interested in legal career (March-May 2012)

#### UNIVERSITY OF DENVER STURM COLLEGE OF LAW

- Member, Admissions Committee (Spring 2015)
- Member, Planning Committee, inaugural Rocky Mountain Public Interest and Social Justice Retreat (September 2014)

#### JOHN MARSHALL LAW SCHOOL

- Chair, Faculty Scholarship Roundtable Committee (2012-2013)
- Member, Career Services Committee (2012-2013)
- Member, Faculty Scholarship Roundtable (2011-2012)
- Organizer and Moderator, *Fine Print, Federalism, and the Fate of the Class Action*, The John Marshall Law School (March 2012)

#### PRO BONO REPRESENTATION

- Author, Brief of *Amici Curiae* Project on Government Oversight, Citizens for Responsibility and Ethics in Washington, and OpenTheGovernment.org in support of Plaintiff-Appellant, *Public Investors Arbitration Bar Association v. United States Securities and Exchange Commission*, No. 13-5137 (D.C. Cir. Dec. 2, 2013)

### **OTHER LEGAL EXPERIENCE**

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Attorney and Equal Justice Works Fellow, Public Citizen Litigation Group	2008-2010
Associate Mentor for Law and Policy, Jack Kent Cooke Foundation	2008-2009
Legal Intern, Public Citizen Litigation Group	Spring 2007
Legal Intern, Public Defender Division of CPCS, Boston, MA	Fall 2006
Legal Intern, United Nations Food and Agriculture Organization	Spring 2006
Legal Intern, The Honorable Dolores K. Sloviter, Third Circuit Court of Appeals	Fall 2005
Student Legal Advocate, Shelter Legal Services, Boston, MA	2004-2006

### **OTHER TEACHING EXPERIENCE**

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Education Volunteer, United States Peace Corps, Djibasso, Burkina Faso	2002-2004
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### **BAR ADMISSIONS AND PROFESSIONAL ASSOCIATIONS**

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Massachusetts State Bar  
 District of Columbia Bar  
 Ohio State Bar  
 Colorado State Bar (certified for pro bono practice only)  
 U.S. District Court for the District of Columbia Bar  
 U.S. Court of Appeals for the Tenth Circuit Bar  
 American Bar Association

Society of American Law Teachers, board member, 2013-present

National Lawyers Guild

Washington D.C. Chapter of National Lawyers Guild, board member, 2009-2010

### **MEDIA APPEARANCES**

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- Quoted, Jonathan Randles, *SEC Stall Tactic Over Wal-Mart Bribery Probe Unlikely To Fly*, LAW360 (Mar. 11, 2015)
- Interviewed, *Reexamining the war on terror after the release of the CIA torture report*, COPolitics from the Source on Fox31 (Dec. 14, 2014)
- Quoted, Angilee Shah, *These open government advocates are suing the federal government for access to immigration data*, Public Radio International (May 22, 2014)
- Quoted, David Heinzmann, *Misconduct complaints against Chicago police should be public*, CHICAGO TRIBUNE (Mar. 12, 2014)
- Quoted, *Colorado Springs squares off with state's pension fund; feud may see trial*, THE GAZETTE (Colorado Springs Nov. 3, 2013)
- Quoted, Class Action, *Inside Concepcion: Consumers' Attorney Discusses Future of Class Actions*, WESTLAW JOURNAL, Vol. 19, Issue 2 (April 2012)
- Interview, CBS Evening News, *Car, Cell Phone Report Exposed* (July 21, 2009)
- Interviewed, Fox5 DC News, *Cell Phone, Driving Dangers Kept Quiet* (July 21, 2009)
- Interviewed, NBC Local Station Affiliates, *Hands-Free More Dangerous Than Disclosed* (July 21, 2009)
- Interviewed, ABC Radio (July 21, 2009)
- Interview, KRLD Dallas, TX (July 21, 2009)
- Interview, WRTI Philadelphia, PA (July 21, 2009)
- Interview, WCCO Minneapolis, MN (July 21, 2009)
- Interview, Air America, The Ron Reagan Show (July 21, 2009)
- Interview, WKTRH Houston, TX (July 22, 2009)
- Interview, WWL New Orleans, LA (July 22, 2009)
- Interview, WJRR Detroit, MI (July 22, 2009)
- Interview, WAAV Rhonda Bellamy, Wilmington, NC (July 23, 2009)
- Interview, WFTL Morning News, Fort Lauderdale, FL (July 23, 2009)
- Interview, WSBT South Bend, IN (July 23, 2009)
- Quoted, MOTHER JONES, *Cell Phone Lawsuit Follows Mojo Investigation* (December 2, 2008)
- Quoted, WASHINGTON EXAMINER, *Group Sues Feds to Release Info. on Phone Use in Traffic Deaths* (December 5, 2008)
- Quoted, BROWNSVILLE HERALD, *Lawsuit Alleges Feds Improperly Withheld Information Regarding Border Fence* (March 11, 2009)
- Quoted, MOTHER JONES, *Why Did the Feds Bury Data on Cell-Phone Dangers?* (July 21, 2009)